

REMARKS

Applicants reply to the Non-Final Office Action dated March 18, 2011 within three months. The Examiner rejects Claims 21-53. Applicants amend various claims. Support for the claims may be found in the originally-filed specification, claims, and figures. Claims 8-68 are currently pending in the application. Applicants request reconsideration of the claims and assert that the application is in condition for allowance

Applicants note that in the Office Action the Examiner allows claims 8-20 and 54-68. (Office Action dated 03/18/2011, Summary and page 11) Applicants thank the Examiner for allowing claims 8-20 and 54-68. However, Applicants wish to proceed with the prosecution to obtain allowance of the remaining claims.

Examiner Interview

Applicants thank the Examiner for the interview held between the Examiner and Attorney Shane Capps on May 17, 2011. In the Interview, the Examiner and Attorney Capps discussed claims 21, 33, and 44 and how these claims and their limitations were different than the allowed claims 8 and 54. Specifically, the Examiner and Attorney Capps discussed that the recited element “such that the dialing of at least two of the plurality of phone numbers is initiated by respective commands, sequentially” is similar to the recitation in allowable claims 8 and 54. Attorney Capps and the Examiner agreed that the instant reply should re-argue the merits of this recited element as it overcomes the cited references. The Examiner also suggested that Attorney Capps review that claim 33 is 35 USC §101 compliant with regard to In re Nuijten concerns.

35 USC §102

The Examiner rejects claims 33, 39-44, and 50-53 under 35 USC §102 as being anticipated by Utsumi (US# 5,796,816). Applicants respectfully disagree that the cited reference teaches each and every element of the claim, however to expedite prosecution, Applicants amend various claims without prejudice to filing the same or similar claims the future.

Claim 33 (and similarly claim 44) recites “such that the dialing of at least two of the plurality of phone numbers is initiated by **respective commands, sequentially.**” (emphasis added)

At least this recitation in claims 33 and 44 overcomes the cited references which disclose at most a single command calling a phone list as opposed phone numbers with **respective** commands.

Specifically, the '816 reference describes a cleaning system for a telephone number list. In '816, a "telephone number list to be cleaned is stored in a floppy disk in a predetermined format for preparation of cleaning. The floppy disk is then inserted in the floppy disk drive 5. Cleaning command is provided with the personal computer 1 via the keyboard 7 by indicating a file name of the telephone number list to be cleaned. The CPU 2 retrieves the indicated list correspondent to the indicated file name to store it memory 3. Subsequently, the cleaning process shown in the flow chart in FIG. 2 is started." (See Utsumi '816, Col. 2, Lines 56-64.) As such, a **single cleaning command** is given to clean an entire list of numbers. The Examiner has indicated as much in past Office Actions. (see Office Action page 2 dated May 12, 2010). As claims 33 (and similarly claim 44) recites "such that the dialing of at least two of the plurality of phone numbers is initiated by **respective commands, sequentially**" (emphasis added), Applicants assert that Utsumi fails to teach each and every element of the claim. Applicants assert (and the Examiner agreed in the interview) that the Examiner has allowed claims 8 and 54 based on similar distinguishing recitations.

Since Utsumi fails to teach each and every element of the claim, namely "at least two of the plurality of phone numbers is initiated by **at least two separate respective commands**," (emphasis added) Applicants request that the rejection be withdrawn and claims 33 and 44 be allowed.

Dependent claims 39-43 and 50-53 variously depend from independent claims 33 and 44 so Applicants assert dependent claims 39-43 and 50-53 are patentable for at least the same reasons for differentiating independent claims 33 and 44 as well as in view of their own respective features.

35 USC §103

The Examiner rejects claims 34-36 under 35 USC §103 as being unpatentable over Utsumi (US# 5,636,267). For at least the reasons below, Applicants respectfully disagree that the cited reference teaches each and every element of the claim, however to expedite prosecution, Applicants amend various claims without prejudice to filing the same or similar claims in the future.

Applicants thank the Examiner for noting that Utsumi fails to specifically disclose the one or more tangible computer-readable media of claims 33 and 44, abbreviated command either entered manually, manually abbreviated command, or by spoken command of a user. (see Office Action

dated 3/18/2011 page 6-7). To overcome this deficiency, the Examiner argues that Utsumi discloses a call command. The Examiner also takes official notice arguing that “it is well known in the art to use call commands in either abbreviated manual commands, manual or spoken entry methods.” However, Applicants traverse the official notice taken by the Examiner on pages 6 and 7 of the Office Action because “the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” MPEP 2144.03. Applicants therefore respectfully request that “the examiner provide documentary evidence in the next Office Action if the rejection is to be maintained.” Id.

Regardless, dependent claims 34-36 and 45-47 variously depend from independent claims 33 and 44 so Applicants assert dependent claims 34-36 and 45-47 are patentable for at least the same reasons for differentiating independent claims 33 and 44 as well as in view of their own respective features.

The Examiner rejects claims 21-32, 37, 38, 48, and 49 under 35 USC §103 as being unpatentable over Utsumi (US# 5,636,267) in view of Iwase (US# 5,075,894). (It appears that the Examiner mistakenly used the Utsumi ‘267 number for the Iwase reference in the Office Action) For at least the reasons below, Applicant disagrees and respectfully submits that the Office Action does not establish a *prima facie* case of obviousness and the rejected claims are not obvious over the cited references, whether alone or in combination, however to expedite prosecution Applicants amend various claims without prejudice to filing the same or similar claims the future.

Claim 21 recites “receiving at least one of a plurality of commands to dial at least one of a plurality of phone numbers included in a list, **wherein each command of the plurality of commands corresponds to a different phone number of the plurality of phone numbers.**” (emphasis added) The ‘816 and the ‘267 references describe a **single cleaning command** given to clean an entire list of numbers. As discussed above, the Examiner has indicated as much in past Office Actions. (see Office Action page 2 dated May 12, 2010). As claim 21 recites “**the plurality of commands corresponds to a different phone number of the plurality of phone numbers**” (emphasis added) it would appear that Utsumi fails to teach each and every element of the claim. It would also seem that the Examiner has allowed claims 8 and 54 based on similar distinguishing recitations (e.g. multiple commands.) Furthermore, the Iwase reference does nothing to cure this deficiency.

Since neither Utsumi '816, Utsumi '267 or Iwase taken in combination or separately teaches each and every element of the claim, including amongst other things **“the plurality of commands corresponds to a different phone number of the plurality of phone numbers,”** (emphasis added) Applicants request that the rejection be withdrawn and claim 21 be allowed.

The Iwase reference also does nothing to cure the deficiency of Utsumi with regard to the rejection of claims 33 and 44. Dependent claims 22-32, 34-38, and 45-49 variously depend from independent claims 21, 33, and 44, thus Applicants assert dependent claims 22-32, 34-38, and 45-49 are patentable for at least the same reasons for differentiating independent claims 21, 33, and 44 as well as in view of their own respective features.


The use of “nontransitory” is to be understood to remove only propagating transitory signals per se from the claim scope and does not relinquish rights to all standard computer-readable media that are not only propagating transitory signals per se. In other words, the meaning of “non-transitory computer-readable medium” should be construed to exclude only those types of transitory computer-readable media which were found in Nuijten to fall outside the scope of patentable subject matter under 35 U.S.C. §101.

CONCLUSION

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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